

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)
)
)
) CAUSE NO.: 2:14-CR-60-JTM-JEM
v.)
)
NYEGA SHAQOI HOST,)
)
 Defendant.)

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A SUPERVISED RELEASE REVOCATION HEARING**

TO: THE HONORABLE JAMES T. MOODY,
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF INDIANA

On February 1, 2017, the United States Government appeared by counsel Assistant United States Attorney Thomas McGrath. Defendant Nyega Shaqoi Host appeared in person and by counsel Jerome T. Flynn and in the custody of the United States Marshal. United States Probation Officer Jerry Navarro appeared. The Supervised Release Revocation Hearing was held. The Court received evidence and comments.

Based upon the record of proceedings the Court makes this Report and Recommendation.

On October 22, 2014, Defendant Host pled guilty to the Count I charge in the Indictment (felon in possession of a firearm). On April 30, 2015, Judge James T. Moody originally sentenced Defendant Host to, among other things, a term of imprisonment followed by 24 months of supervised release subject to specified written terms and conditions.

On August 16, 2016, the Government filed a Petition alleging that the Defendant violated the terms and conditions of his supervised release [DE 31], and an arrest warrant was issued. On December 9, 2016, Defendant Host was arrested and an Initial Appearance was held.

On December 22, 2016, Defendant Host, by counsel, filed a Motion to Transfer to Magistrate Judge, which was granted, and on December 28, 2016, Judge James Moody issued an Order

referring this case to the undersigned Magistrate Judge to conduct the Supervised Release Revocation Hearing, to recommend modification, revocation, or termination of the supervised release in this case, and to submit proposed findings and recommendations pursuant to 18 U.S.C. § 3401(i), 28 U.S.C. § 636(b)(1)(B), and N.D. Ind. Local Rule 72-1.

As a result of the February 1, 2017, Supervised Release Revocation Hearing, the undersigned Magistrate Judge **FINDS** that:

1. Defendant Host has been advised of his right to remain silent, his right to counsel, his right to be advised of the charges against him, his right to a contested Supervised Release Revocation Hearing, and his rights in connection with such a hearing;
2. Defendant Host understands the proceedings, allegations and his rights;
3. Defendant Host knowingly and voluntarily admitted that he committed each of the violations set forth in the August 16, 2016 Petition [DE 31] and that those allegations are true;
4. This violation is a Grade C violation, Defendant's criminal history category is III, the advisory guideline range is 5 to 11 months imprisonment, and the statutory maximum sentence that may be imposed is 24 months imprisonment.

The undersigned Magistrate Judge **RECOMMENDS** to Judge James Moody that:

1. Defendant Host be adjudged to have committed a violation of his supervised release described in the August 16, 2016 Petition [DE 31];
2. The supervised release of Defendant Host be revoked;
3. Defendant Host be ordered committed to the United States Bureau of Prisons forthwith to serve 5 months of additional imprisonment therein;

4. After successful completion of the additional term of imprisonment Defendant Host not continue on supervised release; and
5. Defendant Host be granted credit for time served on this supervised release revocation matter.

The parties agreed to waive any objections to these Findings and Recommendation.

SO ORDERED this 1st day of February, 2017.

s/ John E. Martin
MAGISTRATE JUDGE JOHN E. MARTIN
UNITED STATES DISTRICT COURT

cc: All counsel of record
District Judge James Moody